

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM DAVID ARENDALL,

Petitioner,

v.

TENNESSEE DEPARTMENT OF
CORRECTION, ET AL.,

Respondents.

3 09 0636 *

No. 3:09mc0088
JUDGE HAYNES

ORDER

Petitioner, proceeding *pro se*, brings this action seeking federal *habeas corpus* relief. Petitioner has filed an application to proceed *in forma pauperis*.


From a review of his application, it appears that Petitioner is unable to pay the filing fee. Therefore, the Clerk will **FILE** the complaint *in forma pauperis*.¹ 28 U.S.C. §§ 1915(a).

As provided in the accompanying memorandum, this action is dismissed without prejudice for failure to exhaust, and for failure to comply with the orders of the Court. An appeal would not be taken in good faith. Accordingly, Petitioner is not certified to pursue an appeal *in forma pauperis*. 28 U.S.C. § 1915(a)(3).

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

ENTERED this the 9th July, 2009.


William J. Haynes, Jr.
United States District Judge

¹ In its June 18, 2009 Order, the Court mistakenly ordered Petitioner to submit a certified copy of his six-month inmate trust fund account statement. (Docket Entry No. 5) The Court is aware that the filing fee requirements under the Prison Litigation Reform Act, including the requirement to submit a 6-month statement, do not apply to actions seeking relief in federal *habeas corpus*. See *Kincade v. Sparkman*, 117 F.3d 949, 951-52 (6th Cir. 1997).